

MILTON POLICE DEPARTMENT

PART: III

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GENERAL ORDER 12

EFFECTIVE: MARCH, 1991

TITLE: PURSUIT POLICY

AMENDED: JANUARY, 2000

Section 1. Summary

High-speed pursuit is defined as the active attempt by one or more police officers to follow and apprehend a suspect who is attempting to avoid capture by operating a motor vehicle at speeds which significantly exceed the legal speed limit. In general, high-speed pursuit is not recommended due to the potential hazards which may be created. However, in certain circumstances high-speed pursuit may be authorized.

Section 2. Policy

It is the policy of the Milton Police Department that a police officer will engage in a high-speed pursuit only when the officer pursuing has a reasonable basis to believe that the person being pursued has committed a felony or when the vehicle being pursued is operated in a manner which constitutes a greater danger to the public than the pursuit. High-speed pursuit is inappropriate when the pursuit itself endangers life to a degree greater than the escape of the person being pursued.

When a pursuit is initiated, the goal should be to apprehend the subject safely. Caution should be the Police Officer's primary motivator.

Section 3. Procedures

When pursuit is allowed under these regulations, a police officer must use his discretion in determining whether or not to engage in it. The following factors shall be considered when making the decision to initiate a high speed pursuit:

- * The nature of the offense
- * The danger to the public and police presented by the suspect
- * The road conditions (weather and location)
- * The traffic conditions
- * The time of day
- * The type of vehicle involved

When a pursuit is initiated, a police officer must conform to the requirements of MGL C.89 S.7-B and all applicable case law.

A police officer shall abandon a pursuit when the risk of danger to the public or police officers is high or the weather and road conditions are poor. The officer's training and experience should govern his decision.

A police officer must conform to the following rules regarding vehicle pursuits.

- (A) Upon initiating any pursuit, the pursuing officer shall immediately notify the dispatcher of his unit number, the reason for the pursuit and the conditions surrounding the pursuit (speed, direction, etc). A police officer who engages in a pursuit shall fasten his cruiser seat belt.
- (B) The dispatcher shall inform the Officer in Charge of the shift as soon as possible that an officer is involved in a pursuit. The officer in charge of the shift through the dispatcher shall have ultimate control of all vehicle pursuits.
- (C) Only conspicuously marked police cruisers fully equipped with emergency lights and siren may be used for continuous pursuit at high speeds. In the event a pursuit is initiated by another type of police vehicle, the operator of that vehicle shall discontinue pursuit when a marked vehicle has engaged in the pursuit.
- (D) A police motorcycle shall not initiate a pursuit unless the safety of the public will be seriously compromised by failing to do so. If a police motorcycle must initiate a pursuit, the motorcycle officer shall abandon the pursuit when a marked vehicle has engaged in the pursuit.
- (E) No more than two departmental vehicles shall actively pursue a vehicle, unless additional units are specifically directed to do so by the Officer in Charge.
- (F) Any police unit not actively pursuing shall yield the right of way to all vehicles that are actively pursuing and shall not attempt to become actively involved in the pursuit.
- (G) Intentional contact between a police vehicle and a vehicle being pursued is forbidden unless there is imminent threat of death or serious bodily injury to the police officer or members of the public.

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- (H) High-speed pursuit is expressly forbidden when the police vehicle is occupied by civilians.
- (I) All police units, except the pursuing and supervisory units involved in the pursuit, shall cease all radio traffic except in an extreme emergency.
- (J) If a pursuit may enter another jurisdiction, the officer in charge shall make notification to the appropriate police agency.
- (K) A police officer shall not engage in a high-speed pursuit in a private motor vehicle. If an officer witnesses a felony while in a private motor vehicle, he shall notify the dispatcher of the situation and with the permission of the officer in charge, follow the suspect vehicle while obeying all traffic laws.
- (L) In those instances in which a motor vehicle pursuit has been initiated and is being controlled by an outside police agency, Milton Police Officers shall comply with the Pursuit Policy of the Milton Police Department and not the policy of the pursuing police agency. If more than one police vehicle from an outside police agency is actively pursuing a vehicle, a Milton Officer shall attempt to monitor the pursuit and shall be ready to render assistance.
- (M) A police officer shall not discharge his service weapon at a moving vehicle unless there is imminent threat of death or serious bodily injury to himself or others. (Refer to this manual, GENERAL ORDER, USE OF DEADLY FORCE, PART III G/O – 13. If a police officer discharges his service weapon, a separate report is to be submitted to the chief detailing that there was an imminent threat of death or serious bodily injury to himself or others necessitating the discharge of the firearm.
- (N) Barricading a roadway shall be considered a last resort. The Officer in Charge shall be responsible for making the decision as to whether a barricade is warranted and shall control all activities relative to that action.
- (O) A police officer shall not pursue a vehicle the wrong way on a limited access highway or associated on or off ramps. In such a circumstance, the officer should attempt to parallel the vehicle on the proper side of the highway.
- (P) The Patrol Supervisor should be cognizant of all pursuits and perform the appropriate supervisory functions.

Section 4. Termination of a Pursuit**(A) Termination by the Officer in Charge or the Patrol Supervisor**

If an officer receives a communication from the Officer in Charge, the Patrol Supervisor, or the dispatcher ordering the pursuit terminated, he shall comply immediately, reporting the final location and direction of travel of the pursued vehicle.

(B) Termination by the Pursuing Officer

The officer shall terminate the pursuit when in his judgment, because of road conditions, traffic volume, weather or other factors; the pursuit endangers public safety to a greater degree than the escape of the violator. He shall notify the dispatcher of this decision, the final location and direction of travel of the pursued vehicle.

(C) Notification of other Agencies

If a pursuit is terminated, the dispatcher shall inform area police agencies of the pursuit. He shall include the reason for the pursuit, a description of the pursued vehicle, and the last known location of the pursued vehicle.

Section 5. Reports

Whenever a police officer is involved in a motor vehicle pursuit he shall submit, not later than the end of his tour of duty, all appropriate reports to the Officer in Charge detailing the pursuit and the reasons for participation.